

**AMENDMENTS TO THE DRAWINGS**

Please amend the figures as shown in the enclosed replacement sheets. The attached sheet of drawings includes changes to Figure 1. Specifically, the designation "B-B" is amended to be designated in Arabic numerals II-II. No new matter is added.

**REMARKS**

Please reconsider the application in view of the above amendments and the following remarks. Applicant thanks the Examiner for carefully considering this application and for indicating that claims 10, 11 and 14 contain allowable subject matter.

**Disposition of Claims**

Claims 1, 3-4, and 9-22 are pending in the current application. Claims 19-22 have been newly added by this reply. Claims 1, 9, 15-19, and 21 are independent. The remaining claims depend, directly or indirectly, from claims 1, 9, 19, and 21.

**Drawings**

Figure 1 of the drawings is objected to for failing to include a roman or Arabic numeral for the section line labelled "B-B." Figure 1 has been amended to correct this labelling in accordance with the Examiner's suggestions. Accordingly, withdrawal of this objection and acceptance of the drawings is respectfully requested.

**Objections to the Specification**

The title of the application is amended by this reply. The new title is considered to be clearly indicative of the invention to which the claims are directed and to address the Examiner's objection in paragraph 3 of the Office Action mailed July 21, 2008.

### **Amendments to the Specification**

The Specification is amended to change the recitation of line B-B to line II-II, to be consistent with the amendment to drawings in Figure 1. No new matter is added.

### **Objections to the Claims**

The Examiner objects to claims 3, 4, and 10-14 for including “A” as the first word in the claim. The first word of each of the claims 3, 4 and 10-14 has been amended from “A” to “The” in accordance with the Examiner’s recommendation in paragraph 4 of the Office Action mailed July 21, 2008. Accordingly, withdrawal of this objection is respectfully requested.

### **Rejections under 35 U.S.C. § 112**

Claims 9-14 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. To the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

Step (a) of claim 9 now recites: “(a) inserting in a tool string a ball catcher including first and second parallel bores passing therethrough, the first bore having retaining means, the bores including an overlapping portion to provide a channel therebetween...” Support for this amendment can be found in the specification *e.g.*, on page 7, line 31 to page 8, line 5, page 8, lines 26 to 32, and in Figures 1 and 3 of the application as filed. No new matter is added.

Amended claim 9 is now clear and consistent with the description of the drawings and the Specification. Thus, Applicant asserts that claim 9 is now clear. Accordingly, withdrawal of this rejection is respectfully requested.

**Rejections under 35 U.S.C. § 102**

*Claims 1, 3, and 4*

Claims 1, 3, and 4 are rejected under 35 U.S.C. § 102(b) as being anticipated by US Patent No. 6,336,507 (“Collins”). This rejection is respectfully traversed.

In order to establish anticipation under 35 U.S.C. § 102, the reference must teach every aspect of the claimed invention either explicitly or impliedly. Any feature not directly taught must be inherently present. *See* MPEP § 2131. Applicants assert that Collins fails to disclose all the limitations of the independent claims.

Collins discloses a multiple well template and process of drilling multiple subterranean wells utilising the template (*see*, for example, column 1, lines 15 to 20 of Collins). Contrary to the Examiner’s assertion, Collins discloses a template for use in deviated drilling and completion operations and is not for a ball catcher as claimed in the independent claims of the present application.

Furthermore, it is respectfully submitted that Collins fails to disclose a main bore having first and second bores partially overlapping to provide a channel therebetween, as claimed in amended claim 1 of the present application. Collins makes no mention of a channel means for selectively determining the passage of a ball between one bore and a parallel bore, which is enabled in the present application by providing that the first and second bores are partially overlapping to provide a channel therebetween. In fact, at no point does Collins disclose a tool body wherein a channel length of bore is shared with that of a parallel bore to permit the bores to overlap. The only

way that parallel bores may overlap is by provision of a shared length presented as a channel, and Collins singularly fails to describe such.

Figure 10b of Collins, which the Examiner believes to show the aforementioned feature, is merely a cross-sectional view taken along the axis viewed from the upper end of the body section of the template (*see* column 6, lines 25 to 27 of Collins). As is clearly shown in Figures 1-2, 4a-9, 11a and 11b of Collins, there is no overlap between the first and second bores nor is a channel provided between the first and second bores. The need for the template of Collins to positively direct a drill one way or the other means that nothing in Collins contemplates an overlap in the respective bores of the template.

In view of the above, it is clear that independent claim 1 is patentable over Collins. Pending dependent claims are patentable for at least the same reasons.

However, with respect to dependent claims 3 and 4, Applicant respectfully asserts that Collins also fails to disclose a main bore located centrally on the body. Collins also does not disclose a tool body wherein the portion of the main bore includes an entry port, the entry port having a first aperture equal to the diameter of the first bore and a second aperture having a diameter less than the diameter of the first bore, the apertures being aligned with the first and second bores respectively.

In view of the above, claims 1, 3, and 4 are patentable over Collins. Accordingly, withdrawal of the rejection is respectfully requested.

Claims 9, 12, and 15-18

Claims 9, 12, and 15-18 are rejected under 35 U.S.C. § 102(b) as being anticipated by US Publication No. 2004/0040719 ("Vincent"). This rejection is respectfully traversed.

The Examiner has examined claim 9 as if the second bore passes through the retaining means of the first bore rather than being offset from the first bore, and has thus come to the conclusion that Vincent discloses all the features of claim 9. Claim 9 has been amended to remove any ambiguity in the identification of the subject matter of the invention defined in the claim.

Turning to the rejection, with respect to independent claim 9, Vincent discloses a method and apparatus for guiding a released plug to an open circulation port in a plug capture tool, thereby closing the circulation port. Vincent permits a one-time capture of a plug used to permit a pressure up event, thereby permitting increased pressure to actuate a device. In Vincent, after such actuation, a shear pin yields to release a sleeve in which the plug is captured, which release re-opens a through by-pass passage for fluid. Vincent has a discrete guide tube 28 within a bore. Vincent does not describe respective parallel bores including an overlapping portion to provide a channel therebetween. Rather, as the Examiner noted, there is axial alignment of the guide tube 28 with the circulation port 18. Thus Vincent has one "bore" flowing directly into an axially aligned further "bore." Therefore, Vincent fails to disclose the insertion in a tool string of a ball catcher including first and second *parallel bores passing therethrough, the first bore having retaining means*, the bores including an overlapping portion to provide a channel therebetween, as required by amended independent claim 9.

In contrast, Vincent discloses a slidable tool body (14) mounted within a tool housing (12) having a plug guide tube (28) attached to the tool body (14) above a circulation port (18) (*see* for example paragraphs [0016] and [0017] of Vincent). A bypass port (20) is provided through the tool body (14) and a seat (26) is provided in the throat of the circulation port (18) (*see* paragraph [0017] of Vincent). There is no mention nor suggestion in Vincent of the first and second bores being presented in parallel and overlapping such as to provide a shared length of bore that forms a channel therebetween.

The Examiner considers Vincent to disclose a ball catcher as recited in claim 15. The applicant disagrees with the Examiner's assertion. Firstly, there is no mention nor suggestion in Vincent of the relationship between the diameter of the area outside the tube 28 (which the Examiner considers to be the first bore) and the guide tube 28 (which the Examiner considers to be the second bore). In addition, contrary to the Examiner's opinion, Vincent does not disclose an entry port having a first aperture and a second aperture which is inclined with respect to the main bore. The Examiner cites Figures 3 and 4 of Vincent as disclosing the aforementioned feature; however, when the baffle (30) is in the position shown in Figures 3 and 4, the entry port comprises only one aperture, not two as required by independent claim 15 of the present application.

Independent claims 16 to 18 have been amended to clarify that the first and second bores are partially overlapping to provide a channel therebetween. In Vincent, the area outside of the tube 28 (which the Examiner considers to correspond to a first bore) and the tube 28 (which the Examiner considers to correspond to the second bore) do not partially overlap to provide a channel therebetween (*see* for example Figures 1-4 of Vincent).



In view of the above, independent claims 9 and 15-18 are patentable over Vincent, as Vincent fails to anticipate the independent claims of the present application. Dependent claim 12 is patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

### **Rejections under 35 U.S.C. § 103**

The Examiner rejects claim 13 as being unpatentable over Vincent in view of US Patent No. 4,893,678 ("Stokley"). This rejection is respectfully traversed.

Stokley discloses a packer tool actuated by a ball that falls through the tool after actuation of the packer. As highlighted above, Vincent fails to teach the invention as now claimed in claim 9. Particularly, Vincent fails to teach a ball catcher having first and second axially positioned bores including an overlapping portion providing a channel therebetween. Further, Stokley fails to address the deficiencies of Vincent in relation to claim 13, as there is no mention or suggestion in Stokley of partially overlapping bores defining a channel therebetween, and Stokley is relied upon solely for the purpose of teaching actuating a tool above the ball catcher with the first pump-down ball. *See* Action mailed July 21, 2008, p. 7. Thus, it is clear that claim 9 is patentable over Vincent and Stokley, whether considered separately or in combination. Dependent claim 13 is patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

### **New Claims**

The Examiner indicated that claims 10, 11 and 14 would be allowable if rewritten to overcome the 35 U.S.C. § 112 objection and to include all of the limitations of the base claim and

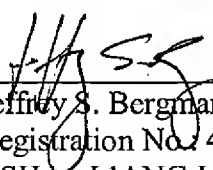
any intervening claims. The subject matter of claims 10, 11, and 14 is rewritten as new claims 19, 20, 21, and 22, retaining all limitations of previous claims 10, 11 and 14 respectively. Accordingly, no new matter is added by way of the new claims, as support is found in the original claims. Favorable consideration of new claims 19-22 is respectfully requested.

### **Conclusion**

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 17172/031001).

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Respectfully submitted,

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Attachment (Replacement Sheet for Figure 1)